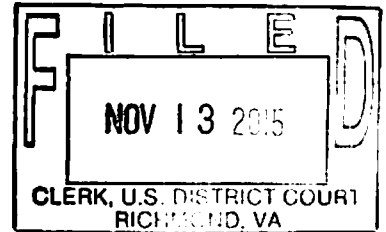


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division




WALTER SPELLER, )  
 )  
Petitioner, )  
v. ) Civil Action No. 3:15CV342-HEH  
 )  
COMMONWEALTH, )  
 )  
Respondent. )

**MEMORANDUM OPINION**  
**(Dismissing Action Without Prejudice)**

By Memorandum Order entered on October 6, 2015, the Court conditionally docketed Petitioner's action. The Court directed Petitioner to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Petitioner that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Petitioner has not complied with the order of this Court. Petitioner failed to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

 /s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: Nov. 13, 2015  
Richmond, Virginia